

REMARKS/ARGUMENTS

Claims 1 and 67 are amended in this reply. Claims 1-70 are pending.

ALLOWABLE SUBJECT MATTER

The Examiner indicated that Claims 19-46, 66, and 68-70 are directed to allowable subject matter.

OBJECTIONS TO THE SPECIFICATION

The Office Action objected to the presence of a uniform resource locator (URL) on page 3 of the specification. The specification has been amended to remove this URL. Consequently, the objection to the specification should be withdrawn.

OBJECTIONS TO THE CLAIMS

The Office Action objected to Claim 67. Claim 67 has been amended. Applicants respectfully submit that the amendment of Claim 67 cures the deficiencies that were present in Claim 67. Consequently, the objection to Claim 67 should be withdrawn.

CLAIM REJECTIONS—35 U.S.C. §101

The Office Action rejected Claims 1-18, 64, and 65 under 35 U.S.C. § 101.

Applicants are unaware of any requirement, in 35 U.S.C. § 101, that a claim to a system must recite “devices that enable the functionality.” The text of 35 U.S.C. § 101 certainly does not express such a requirement.

Nevertheless, for each of the high-level components (i.e., JAVA code patches, JAVA code libraries, and patch tool) recited in Claim 1, Claim 1 has been amended to recite “a computer readable storage medium holding” that component. Because a claim directed to a “computer readable storage medium” is clearly directed to subject matter that is statutory under 35 U.S.C. § 101 (hundreds of patent applications reciting such claims have issued in recent times), Claim 1, which recites **a system comprising** such a computer-readable storage medium, must also be directed to subject matter that is statutory under 35 U.S.C. § 101.

Applicants believe that the Examiner would agree that a claim reciting a system comprising one or more computer-readable storage media would be directed to statutory

subject matter under 35 U.S.C. § 101—the fact that such computer-readable storage media are claimed as part of a system would not thereby make the subject matter of such a claim non-statutory. If the Examiner disagrees, then Applicants would be interested in hearing the Examiner's reason for disagreement.

Because Claim 1 is directed to statutory subject matter under 35 U.S.C. § 101, Claims 2-18, 64, and 65, which depend from Claim 1, also are directed to statutory subject matter under 35 U.S.C. § 101.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on 3/23/06 by Joey Peradich